HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.16847 of 2007

Between:

Mrs.Zareena Begum

. . .Petitioner

AND

Greater Municipal Corporation of Hyderabad
and another

. . .Respondents

:: ORDER ::

Counsel for the petitioner: Shri N. Bharat Babu

Counsel for the respondents: Shri R. Ramachandra Reddy,
Standing Counsel for Greater
Hyderabad Municipal
Corporation

August 10, 2007

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Per G.S. Singhvi, CJ

In this petition, the petitioner has made the following substantive prayer:

a) For the reasons stated above, it is therefore prayed that this Hon'ble Court may be pleased to issue an order or direction, more particularly, one in the nature of writ of MANDAMUS, declaring the notice of the 1st respondent dated 03.8.2007 (addressed to her husband) whereunder the petitioner was directed to remove the construction within 3 days and the letter No.51/2/16/2007/B1 of the 2nd respondent dated 22.1.2007 whereunder the petitioner's application seeking building permission in premises No.16-2-51/B.1 has been rejected, as illegal, without jurisdiction, arbitrary and contrary to provisions of Hyderabad Municipal Corporation Act and further declare that the petitioner's construction in premises No.16-2-51/B1 situate at Akberbagh, Malakpet, Hyderabad is saved under S.437 of Hyderabad Municipal Corporations Act and pass such other order or orders as this Hon'ble Court may deem fit and proper.

b) Under the circumstances stated above, it is therefore prayed that this Hon'ble Court may be pleased to suspend notice of the 1st respondent dated 03.8.2007 (addressed to Mohammed Ainuddin & Mohammed Tajuddin) issued under S.636 of Hyderabad Municipal Corporations Act, pending disposal of the above writ petition and pass such other order or orders as this Hon'ble court may deem fit and proper.

After making some arguments, Shri N. Bharat Babu, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition with liberty to avail the remedy before the Civil Court.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made. We also make it clear that dismissal of the writ petition shall not operate as an impediment to the consideration of the application, if any made by the petitioner for interim relief. However, this observation shall not be construed as a mandate of the High Court to grant relief to the petitioner de hors the factual matrix of the case and the concerned Court shall independently decide the application.

As a sequel to dismissal of the writ petition as withdrawn, WPMP No.21492 of 2007 filed by the petitioner for interim relief is dismissed.

G.S.SINGHVI, CJ

August 10, 2007

C.V. NAGARJUNA REDDY, J

Note:
The Court Officer is directed to give attested copies of this order to the learned counsel for the parties.
(By order)
svs